

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

J&J SPORTS PRODUCTIONS, INC.,

Plaintiff,

v.

BARBARA ELAINE ALLEN,

Defendant.

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Civil Action No. 9:13-cv-105

**ORDER ADOPTING REPORT AND RECOMMENDATION
ON MOTION FOR SUMMARY JUDGMENT**

The Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration of and recommended disposition on case-dispositive pretrial motions. On June 27, 2014, Judge Giblin issued his report and recommendation in which he recommended that the Court grant in part and deny in part the motion for summary judgment filed by Plaintiff J&J Sports Productions, Inc.

The Court has received and considered the report of the United States Magistrate Judge, along with the record and pleadings. No party has filed objections to the magistrate judge's report. After review, the Court finds that Judge Giblin's findings and recommendations should be accepted. The Court **ORDERS** that the Report and Recommendation on Motion for Summary Judgment (Doc. #18) is **ADOPTED**. The Court further **ORDERS** that J&J Sports Productions, Inc.'s Motion for Summary Judgment (Doc. #15) is **GRANTED IN PART and DENIED IN PART**. The motion is granted as to Defendant Barbara Elaine Allen's liability for violating the Communications Act. The motion is denied, however, as to Defendant Barbara Elaine

Allen's alleged *willful* violation of the Communications Act and the amount of damages that should be awarded. Those issues remain for trial.

So ordered and signed on

Jul 17, 2014

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge